UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

MUNCEY MORRIS,

                Plaintiff,   Case No. 11-cv-10938

v   Honorable Thomas L. Ludington
                                             Magistrate Judge R. Steven Whalen

NEWBERRY CORRECTIONAL FACILITY,
ET AL.,

                Defendant.

_____/

**ORDER ADOPTING REPORT AND RECOMMENDATION AND GRANTING
DEFENDANT QUINLAN'S MOTION TO DISMISS**

On June 18, 2013, Defendant Donna Quinlan filed a motion to dismiss, or in the

alternative, motion for summary judgment. ECF No. 91.

On October 9, 2013, Magistrate Judge R. Steven Whalen issued a report recommending

that Defendant's motion to dismiss be granted. Judge Whalen concluded that Plaintiff had not

properly exhausted his administrative remedies with respect to Defendant Quinlan, and therefore

her motion to dismiss should be granted. ECF No. 105 at 5.

Although the Magistrate Judge's report explicitly stated that the parties to this action may

object to and seek review of the recommendation within fourteen days of service of the report,

neither Plaintiff nor Defendant filed any objections. The election not to file objections to the

Magistrate Judge's report releases the Court from its duty to independently review the record.

Thomas v. Arn, 474 U.S. 140, 149 (1985). The failure to file objections to the report and

recommendation waives any further right to appeal.

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Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation (ECF No. 105) is **ADOPTED**.

It is further **ORDERED** that Defendant Quinlan's motion to dismiss (ECF No. 91) is **GRANTED** and Plaintiff's second amended complaint is **DISMISSED WITHOUT PREJUDICE** as to Defendant Quinlan.

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s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

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Dated: November 8, 2013

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means and upon Muncey Morris at 12882 Dwyer, Detroit, MI 48212 by first class U.S. mail on November 8, 2013.

s/Tracy A. Jacobs
TRACY A. JACOBS